Hovsepian v. Apple, Inc.
Doc. 293 Att. 2

Exhibit C

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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

IN RE: ACACIA MEDIA TECHNOLOGIES CORPORATION PATENT LITIGATION.	) C-05-01114-JW)) SEPTEMBER 8, 2005)) VOLUME 1)) PAGES 1-216

THE PROCEEDINGS WERE HELD BEFORE

THE HONORABLE UNITED STATES DISTRICT

JUDGE JAMES WARE

A P P E A R A N C E S:

FOR THE PLAINTIFFS: HENNIGAN, BENNETT & DORMAN
BY: RODERICK G. DORMAN
ALAN P. BLOCK
ROBERT BERMAN
601 SOUTH FIGUEROA STREET
LOS ANGELES, CALIFORNIA 90017

(APPEARANCED CONTINUED ON THE NEXT PAGE.)

OFFICIAL COURT REPORTER: IRENE RODRIGUEZ, CSR, CRR
CERTIFICATE NUMBER 8074
LEE-ANNE SHORTRIDGE, CSR
CERTIFICATE NUMBER 9595

Q ARE YOU FAMILIAR WITH THE ACRONYM SMPTE?
A YES.
Q THAT'S S-M-P-T-E?
A YES.
Q AND WHAT DOES THE ACRONYM SMPTE MEAN?
A IT'S THE SOCIETY OF MOTION PICTURE AND TELEVISION ENGINEERS.
Q AND DOES SMPTE HAVE TECHNOLOGY COMMITTEES?
A YES, IT DOES.
Q AND GENERALLY WHAT DO THOSE SMPTE COMMITTEES DO?
A THEY HAVE RESPONSIBILITY IN A VARIETY OF SPECIALIZED AREAS FOR THE DEVELOPMENT OF THE TECHNOLOGY THAT WILL BE USED IN THE MOTION PICTURE AND TELEVISION INDUSTRIES AND FOR THE WRITING STANDARDS TO DOCUMENT THOSE TECHNOLOGIES.
Q TO WHAT EXTENT, IF AT ALL, HAVE YOU SERVED AS CHAIRMAN ON ONE OR MORE OF THOSE TECHNOLOGY COMMITTEES OF SMPTE?
A I HAVE BEEN CHAIRING A SMPTE TECHNOLOGY COMMITTEE OR HIGHER LEVEL COMMITTEE SINCE THE VERY EARLY 1980S AND CONTINUOUSLY UNTIL TODAY.
Q IS THAT ONE COMMITTEE YOU'VE BEEN CHAIRING OR HAVE YOU CHAIRED A NUMBER OF COMMITTEES?
A I HAVE CHAIRED QUITE A FEW ACTUALLY, THE

TECHNOLOGY COMMITTEES. I ALSO CHAIRED THE TECHNOLOGY STEERING COMMITTEE.

THERE WAS A PERIOD DURING WHICH I WAS ENGINEERING DIRECTOR FOR TELEVISION OF THE SOCIETY AND, AND IN THAT ROLE I WAS RESPONSIBLE FOR MANAGING AND THE DEVELOPMENT OF TELEVISION STANDARDS ON A WORLDWIDE BASIS, AND AS PART OF THAT FUNCTION SERVED AS THE CHAIRMAN OF THE TELEVISION STEERING COMMITTEE.

Q TO WHAT EXTENT, IF AT ALL, HAVE YOUR PROFESSIONAL ENDEAVORS FOCUSSED ON SYSTEM DESIGN?

A LARGELY FOR THE LAST, I WOULD SAY, 37 YEARS I HAVE BEEN A SYSTEM DESIGNER BEGINNING IN THE EARLY STAGES AND INVOLVED WITH VIDEO AND MOVING TO TELEVISION AND CONTINUING UNTIL TODAY, A MAJOR PART OF WHAT I DO IS SYSTEM DESIGN.

Q TO WHAT EXTENT, IF AT ALL, IS THE '702 PATENT DIRECTED TO SYSTEM DESIGN?

A THE '702 --

THE COURT: I'M SORRY. WHAT WAS THE QUESTION?

BY MR. DORMAN:

Q TO WHAT EXTENT, IF AT ALL, IS THE '702 PATENT DIRECTED TO SYSTEM DESIGN?

A THE '702 PATENT IS A SYSTEM DESCRIPTION. IT'S

A SYSTEM PATENT.
Q COULD YOU BRIEFLY DESCRIBE FOR THE COURT FROM A GENERAL OVERVIEW PERSPECTIVE WHAT THE '702 PATENT SYSTEM DESCRIBES?
A THE '702 PATENT DESCRIBES A SYSTEM INCLUDING A TRANSMISSION COMPONENT AND A RECEIVING COMPONENT THAT ALLOWS THE PREPARATION AND DISTRIBUTION OF CONTENT TO END USERS THROUGH THE STORAGE OF COMPRESSED PROGRAMS AND OTHER CONTENT AND ITS DISTRIBUTION TO RECEIVING LOCATIONS AT THE REQUEST OF END USERS AND IN THE SYSTEM, OFTEN CALLED VIDEO ON DEMAND.
Q NOW, MR. WEISS, TO WHAT EXTENT, IF AT ALL, IS YOUR EXPERIENCE GERMANE TO THE ISSUES AND SUBJECT MATTER THAT YOU DESCRIBED AS COMPRISING THE '702 PATENT?
A THE TECHNOLOGY THAT IS INVOLVED IN THE PATENT IS ESSENTIALLY THE SAME AS THE AREAS IN WHICH I HAVE BEEN WORKING FOR THE ENTIRE TIME THAT I HAVE BEEN ON THE TELEVISION SIDE OF THE ELECTRONIC MEDIA INDUSTRIES WHICH IS ROUGHLY THE LAST 30 YEARS.
Q WELL, I'D LIKE TO FOCUS YOUR ATTENTION ON THE TIME LEADING UP TO JANUARY OF 1991, WHICH IS THE EFFECTIVE FILING DATE OF THE '702 PATENT.
COULD YOU PLEASE GIVE THE COURT SOME

SPECIFICS IN TERMS OF YOUR EMPLOYMENT CONCERNING YOUR SYSTEM DESIGN ACTIVITIES DURING THAT PERIOD LEADING UP TO JANUARY OF 1991?
A IN THE PERIOD FROM 1976 TO 1978 IN PARTICULAR, I WAS INVOLVED AT A BROADCAST TELEVISION STATION KYW IN PHILADELPHIA, AND WHILE I WAS THERE I WAS INVOLVED IN THE OPERATION OF COMPUTER CONTROLLED TELEVISION SYSTEMS THAT RELEASED THE CONTENT THAT THE STATION BROADCAST AUTOMATICALLY UNDER COMPUTER CONTROL TO THE BROADCAST SYSTEM THAT THEN DELIVERED IT TO VIEWERS.
DURING THAT TIME I SERVED BOTH AS AN OPERATOR OF THE SYSTEM AND ALSO AS A DESIGNER OF IMPROVEMENTS TO THE SYSTEM.
LATER ON I WAS INVOLVED IN A FACILITY AT KPIX IN SAN FRANCISCO WHERE I DESIGNED AND BUILT THAT FACILITY REALLY FROM THE GROUND UP, AND WAS INVOLVED IN THE, IN THE OPERATION AND, AND/OR MANAGING THE OPERATION AND DESIGNING IT AND, AND DESIGNING THE SYSTEM THAT WAS IMPLEMENTED THERE THAT INCLUDED, AGAIN, AN AUTOMATION SYSTEM FOR RELEASE OF CONTENT, AND ALSO INCLUDED A CENTRAL LENDING LIBRARY SYSTEM THAT, THAT SERVED TO, TO STORE IN DIGITAL FORM CONTENT IN THE FORM OF STILL STORAGE, I'M SORRY, STILL IMAGES.

AND THOSE STILL IMAGES WERE STORED IN A LARGE DATABASE THAT WAS SEARCHABLE AND THAT WAS THEN ABLE TO TRANSFER CONTENT FROM THE, FROM THE DATABASE TO THE, TO THE VARIOUS ELEMENTS THAT, THAT DISTRIBUTED THE CONTENT.
Q I'D LIKE TO TURN TO THE TOPICS OF YOUR EDUCATION, PUBLICATION AND AWARDS.
DO YOU HOLD ANY TECHNICAL DEGREES?
A NO.
Q DO YOU HAVE ANY DEGREE FROM ANOTHER EDUCATIONAL INSTITUTION?
A YES.
Q AND WHAT IS IT?
A IT'S THE BACHELOR OF BUSINESS ADMINISTRATION DEGREE FROM THE WHARTON SCHOOL AT THE UNIVERSITY OF PENNSYLVANIA.
Q AND NOW, HOW IS IT THAT YOU KNOW ALL ABOUT SYSTEM DESIGN, BUT DON'T HAVE A FORMAL TECHNICAL DEGREE?
A I HAVE BEEN INVOLVED IN, IN ELECTRONICS SINCE I WAS SOMEWHERE BETWEEN SIX AND EIGHT YEARS OLD AND HAVE -- I GOT INVOLVED IN, IN BROADCASTING AT A VERY EARLY STAGE AND HAVE WORKED MY WAY THROUGH THE, THE PROCESS OF, OF FIRST A TECHNICIAN AND THEN A MANAGER, BUT, BUT ALONG THE WAY HAVING TAUGHT

4, 8, AND 9, HAVING BEEN PREVIOUSLY MARKED FOR IDENTIFICATION, WERE ADMITTED INTO EVIDENCE.)

BY MR. DORMAN:

Q MR. WEISS, HAVE YOU EVER RECEIVED ANY HONORS OR AWARDS IN CONNECTION WITH YOUR WORK IN SYSTEM DESIGN AND BROADCAST TECHNOLOGY?

A YES, I HAVE.

Q WOULD YOU DESCRIBE TO THE COURT THOSE AWARDS?

A I WAS ELEVATED TO THE LEVEL OF FELLOW IN THE SMPTE IN 1987. I RECEIVED THE DAVID SARNOFF GOLD METAL AWARD OF THE SMPTE IN 1995 AND, IN FACT, I WAS GIVEN ANOTHER AWARD THIS YEAR.

Q NOW, THE DAVID SARNOFF MEDAL AWARD, WE HAVE -- EXHIBIT 9 IS A DOCUMENT FROM THE HOME PAGE OF SMPTE AND IT DESCRIBES THE DAVID SARNOFF MEDAL AWARD HISTORY, AND IT SAYS, "IT IS THE PURPOSE OF THIS AWARD TO HONOR HIS OUTSTANDING CONTRIBUTIONS IN THE DEVELOPMENT OF NEW TECHNOLOGIES OR EQUIPMENT WHICH HAVE CONTRIBUTED TO THE IMPROVEMENT OF THE ENGINEERING PHASES OF TELEVISION, INCLUDING THEATRE TELEVISION."

WHAT YEAR DID YOU RECEIVE THE DAVID SARNOFF AWARD?

A 1995.

Q AND IF WE LOOK ON THE THIRD PAGE OF THAT DOCUMENT, WHICH YOU HAVE SEEN BEFORE, IS YOUR NAME LISTED AS THE RECIPIENT IN 1995?
A YES, IT IS.
Q AND BY YOUR NAME IT SAYS, "1995, S. MERRILL WEISS FOR HIS LEADERSHIP ROLE IN THE CREATION AND ADOPTION OF SMPTE'S DIGITAL TELEVISION STANDARDS, HIS ACTIVE PARTICIPATION IN NUMEROUS ADVANCED TELEVISION STANDARDIZATION COMMITTEES, AND FOR HIS MANY CONTRIBUTIONS TO THE PROLIFERATION OF THE ART AND KNOWLEDGE OF TELEVISION ENGINEERING."
NOW, MY QUESTION, SIR, IS THIS GIVEN YEARLY?
A IT CAN BE.
Q ARE THERE ANY YEARS THAT IT IS NOT GIVEN?
A YES.
Q AND DO YOU HAVE ANY PERSONAL KNOWLEDGE AS TO WHY IN THOSE YEARS IT'S NOT GIVEN?
A IN SOME YEARS THE COMMITTEE DOESN'T FIND -- THE COMMITTEE THAT IS RESPONSIBLE FOR NOMINATING RECIPIENTS DOESN'T FIND SOMEONE THAT THEY FEEL APPROPRIATE TO RECEIVE THE AWARD.
Q AND YOU MENTIONED A MOMENT AGO THAT YOU'RE ABOUT TO RECEIVE ANOTHER AWARD FROM SMPTE THIS FALL. WHAT AWARD IS THAT?

A THAT'S KNOWN AS THE PROGRESS MEDAL.
Q AND DO YOU REGARD THE PROGRESS MEDAL AS EVEN A MORE PRESTIGIOUS AWARD THAN THE SARNOFF AWARD?
A I BELIEVE THE SMPTE, IN ITS DESCRIPTION OF THE PROGRESS MEDAL, CALLS IT ITS PREMIER AWARD.
Q NOW, MR. WEISS, THANK YOU FOR DESCRIBING YOUR QUALIFICATIONS.
I WOULD LIKE TO NOW MOVE FORWARD TO YOUR OPINIONS REGARDING THE '702 PATENT.
HAVE YOU READ THE '702 PATENT?
A MANY TIMES.
Q CAN YOU DESCRIBE -- YOU HAVE ALREADY DESCRIBED FOR US AT A HIGH LEVEL WHAT IS DESCRIBED IN THAT PATENT.
DOES -- TO WHAT EXTENT DOES THE '702 DESCRIBE A SYSTEM WHICH WOULD SUPPORT A SYSTEM THAT WE WOULD KNOW AS VIDEO ON DEMAND?
A THAT IS FUNDAMENTALLY WHAT THE PATENT IS ABOUT.
Q WHAT IS VIDEO ON DEMAND?
A VIDEO ON DEMAND IS A SCHEME OR A SYSTEM IN WHICH CONTENT CAN BE DELIVERED, PARTICULARLY VIDEO CONTENT, CAN BE DELIVERED TO END USERS OR CONSUMERS AT THEIR REQUEST.
Q DOES THAT SYSTEM USE VIDEO AND AUDIO

COMPRESSION?

A YES, IT DOES.

Q WHAT IS VIDEO AND AUDIO COMPRESSION FOR THE COURT?

A VIDEO AND AUDIO COMPRESSION --

MR. MCMAHON: YOUR HONOR, MAY I ASK A FEW VOIR DIRE QUESTIONS?

THE COURT: WELL, UM, TECHNICALLY YOU DIDN'T TENDER HIM AS AN EXPERT AND THAT'S THE TIME I WOULD SEE IF THERE'S ANY FURTHER VOIR DIRE, BUT I WOULD ACCEPT HIM AS AN EXPERT IN VIDEO BROADCAST ENGINEERING BASED UPON HIS BACKGROUND.

BUT ANY OBJECTION TO VOIR DIRING HIM?

MR. DORMAN: NO, YOUR HONOR. AND JUST SO YOU'RE AWARE, I WOULD HAVE NORMALLY TENDERED HIM TO YOU, BUT I UNDERSTOOD YOUR EARLIER REQUEST TO ESSENTIALLY BE THAT.

THE COURT: VERY WELL.

MR. DORMAN: BUT I DIDN'T FORMALLY DO THIS.

BUT I HAVE NO OBJECTION AS LONG AS THIS IS NOT TIME CHARGED TO ME.

THE COURT: IT WON'T BE. GUARANTEED.

GO AHEAD.

/ / / /

VOIR DIRE EXAMINATION

BY MR. MCMAHON:

Q MR. WEISS, ISN'T IT TRUE THAT YOU DESCRIBED YOUR WORK, AND HAVE IN THE PAST, AS BEING INVOLVED IN ADVANCED TELEVISION SYSTEMS?

A THAT'S ONE OF THE AREAS THAT I HAVE WORKED IN, YES.

Q WOULD IT BE CORRECT TO DESCRIBE A COMPRESSION TRANSMISSION STORAGE SYSTEM AS HAVING FOUR COMPONENTS, ONE BEING THE SOURCE AND ONE BEING SOURCE CODING, AND ONE BEING CHANNEL CODING, AND ANOTHER BEING TRANSMISSION STORAGE?

A YES.

Q AND ISN'T IT TRUE THAT THE SOURCE CODING BLOCK IS WHERE ALL OF THE IMAGE COMPRESSION TAKES PLACE IN THIS TRANSMISSION?

A YES.

Q THAT'S TRUE. AND DOESN'T THIS SOURCE CODING BLOCK WHERE ALL OF THE IMAGE COMPRESSION TAKES PLACE, DOESN'T THAT INCLUDE FUNCTIONS THAT SORT OUT THE INFORMATION THAT MUST BE SENT TO MAKE A PICTURE FROM THE LARGE AMOUNT OF REDUNDANT INFORMATION THAT IS NOT REQUIRED TO BE SENT TO MAKE THE PICTURE?

MR. DORMAN: YOUR HONOR, I'M GOING TO OBJECT AS LACKING FOUNDATION AS TO PROPER VOIR

A YES.

Q NOW, MR. WEISS, I'D LIKE TO TURN TO A DIFFERENT TOPIC. I'D LIKE TO ASK YOU QUESTIONS AND LAY SOME FOUNDATION FOR YOUR OPINIONS REGARDING SEQUENCE ENCODER AND, AND IDENTIFICATION ENCODER AND TO FIND OUT THE BASES FOR YOUR OPINIONS.

HAVE YOU EVER DESIGNED AND BUILT ANY SYSTEM YOURSELF THAT WAS USED IN THE BROADCAST OF TELEVISION AND RADIO SIGNALS?

A YES, I HAVE.

Q HAVE YOU DONE THAT ONCE OR MORE THAN ONCE?

A MANY TIMES.

Q COULD YOU EXPLAIN, BY 1991, WHAT, IF ANY, SYSTEMS YOU HAD PERSONALLY DESIGNED IN THE BROADCAST OF TELEVISION AND VIDEO SIGNALS?

A I HAD DESIGNED THE ASPECTS OF THE AUTOMATION SYSTEM AT KYW THAT I MENTIONED EARLIER THAT ALLOWED FOR THE MACHINERY THERE TO COMMUNICATE THE CONTENT THAT IT WAS HOLDING TO THE AUTOMATION SYSTEM AND TO THEREBY MINIMIZE OPERATOR INTERVENTION IN THE COMMUNICATION OF THAT INFORMATION BETWEEN THE EQUIPMENT THAT WAS TO PLAY BACK THE CONTENT AND THE AUTOMATION SYSTEM THAT WAS CONTROLLING THAT EQUIPMENT.

AT KPIX I DESIGNED THE ENTIRE BROADCAST

SYSTEM FROM BEGINNING TO END, AND IN THAT PROCESS ASSEMBLED THE FIRST CONTROL SYSTEM THAT WAS BASED ON MICROCOMPUTERS AND, IN FACT, IT BECAME AN INDUSTRY-WIDE STANDARD.

I ALSO, I DESIGNED AND BUILT, DESIGNED AND HAD BUILT, I SHOULD SAY, THE EQUIPMENT THAT WE COULD NOT PURCHASE OFF THE SHELF THAT PROVIDED FOR THE INTERCONNECTION OF THE CONTROL SYSTEM, THE VARIOUS MACHINES THAT WERE OPERATING IN THE STATION AND THE AUTOMATION SYSTEM.

SO THOSE WERE COMPUTERS THAT PROVIDED THAT FUNCTIONALITY.

Q AND CAN YOU TELL US IN GENERAL HOW ONE OF ORDINARY SKILL IN THE ART WOULD HAVE GONE ABOUT IMPLEMENTING THE SYSTEM DESCRIBED IN THE '702 PATENT IN 1991?

A WELL, THE FIRST THING WOULD BE TO STUDY THE PATENT AND TO DETERMINE WHAT THE CHARACTERISTICS WERE OF THE VARIOUS SUBSYSTEMS AND THE WAY THEY RELATED WITH ONE ANOTHER, TO DEFINE THE, THE APPLICATION THAT WAS TO BE SERVED BY THE SYSTEM, AND TO KNOW VERY SPECIFICALLY THE, THE REQUIREMENTS OF THAT SYSTEM IN ITS APPLICATION SO THAT THEN THE PARTICULAR CHARACTERISTICS OF THE SYSTEM TO BE BUILT ACCORDING TO THE PATENT COULD BE, COULD BE

TAILORED TO THE APPLICATION.

Q WOULD A PERSON OF ORDINARY SKILL IN THE ART IN 1991 HAVE BEEN ABLE TO GO OUT AND BUY THE COMPONENTS FOR THE SUBSYSTEM FOR THE '702 PATENT THAT YOU HAVE JUST DESCRIBED?

A SOME OF THEM YES, AND SOME OF THEM NO.

Q AND CAN YOU DESCRIBE FOR THE COURT THE EXAMPLE OF COMPONENTS OF SUBSYSTEMS DISCLOSED IN THE '702 PATENT THAT WERE AVAILABLE FOR PURCHASE?

A CERTAINLY THE COMPUTERS THAT WERE USED WERE GENERALLY AVAILABLE.

THE SOFTWARE THAT WOULD RUN ON IT PROBABLY WOULD HAVE TO BE SPECIALLY DESIGNED, ALTHOUGH THERE WOULD BE SOFTWARE COMPONENTS THAT COULD BE OBTAINED IN THE MARKETPLACE THAT WOULD BE APPLIED AND IT WOULD BE TAILORED TO THE SPECIFIC APPLICATIONS.

THERE WERE DEVICES LIKE WHAT WE CALL TIME CODE GENERATORS THAT WERE EQUIVALENT OF THE TIME ENCODER THAT COULD BE OBTAINED IN THE MARKETPLACE.

THERE WERE AT THAT TIME COMPRESSION SYSTEMS THAT WERE NOT QUITE AT THE LEVEL THAT, THAT YOU WOULD NEED FOR BROADCAST, BUT THERE WERE CERTAINLY COMPRESSION SYSTEMS AVAILABLE IN THE MARKETPLACE.

THE STORAGE SUBSYSTEMS WERE AVAILABLE IN THE MARKETPLACE.

PRETTY MUCH EVERYTHING ELSE I BELIEVE WOULD HAVE HAD TO HAVE BEEN AT LEAST CUSTOMIZED TO WORK TOGETHER IN THE SYSTEM.

Q NOW, IF A COMPONENT WAS NOT AVAILABLE FOR PURCHASE OFF THE SHELF, FOCUSSING NOW ON THE '702 PATENT SYSTEM, WHAT WOULD THE PERSON OF ORDINARY SKILL IN THE ART HAVE TO DO IF IT WASN'T AVAILABLE FOR PURCHASE?

A IF IT WERE NOT AVAILABLE FOR PURCHASE, THEN YOU WOULD HAVE TO DEFINE THE SPECIFIC SUBSYSTEM THAT WAS REQUIRED, AND THEN BASED ON THAT DEFINITION, DEVELOP A DESIGN, HAVE IT FABRICATED, AND THEN INCORPORATE IT INTO THE SYSTEM.

Q NOW, IN TERMS OF COMING AND DESIGNING THE SPECIFIC REQUIREMENTS OF THE SUBSYSTEM, AT WHAT LEVEL OF DETAIL DOES THE PATENT SPEAK TO THOSE SPECIFIC REQUIREMENTS GENERALLY?

A AT A VERY HIGH LEVEL.

Q AND WHAT DO YOU MEAN WHEN YOU SAY AT A VERY HIGH LEVEL?

A I MEAN THAT IT DOES NOT DESCRIBE IN A WAY THAT YOU, THAT YOU WOULD BE ABLE TO APPLY IT TO ANY PARTICULAR APPLICATION THE WAY THE SYSTEM WORKS.

RATHER, IT DESCRIBES IT IN A WAY THAT YOU CAN UNDERSTAND HOW TO APPLY IT TO ANY PARTICULAR APPLICATION ON WHICH YOU HAPPEN TO BE WORKING.
Q DOES THE '702 PATENT -- STRIKE THAT.
DO YOU HAVE A VIEW AS TO WHETHER, BECAUSE THE PATENT SPEAKS TO ALTERNATIVE DISTRIBUTION TECHNOLOGIES AS YOU DESCRIBED, IT'S SATELLITE, UHF, BROADCAST OVER THE AIR, ET CETERA, THAT, THAT ANY LEVEL OF SPECIFICITY BEYOND WHAT THEY PROVIDED MIGHT NOT APPLY TO A PARTICULAR APPLICATION AS YOU JUST DESCRIBED?
THAT'S AN INELEGANT QUESTION, BUT I'M TRYING TO SPEAK TO IN THAT IN THE PATENT, YOU CAN DO THIS A NUMBER OF WAYS, AND TO WHAT EXTENT, IF AT ALL, HAS THE PATENTEE DESCRIBED THE SYSTEM SO THAT ONE OF ORDINARY SKILL IN THE ART WHO IS CHARGED BY THEIR EMPLOYER WITH MAKING THIS PARTICULAR SYSTEM WORK IN, FOR EXAMPLE, THEIR CABLE APPLICATION, HAVE THEY PROVIDED, IN YOUR JUDGMENT, SUFFICIENT INFORMATION TO DO THAT?
A I BELIEVE THEY HAVE. IF THEY HAD GONE INTO MUCH MORE DETAIL, THEN IT WOULD HAVE LIMITED THE RANGE OF APPLICATIONS OVER WHICH THE PATENT COULD BE APPLIED.
Q DO YOU BELIEVE THAT A PERSON OF ORDINARY SKILL

IN THE ART IN 1991 WOULD HAVE BEEN CAPABLE OF DESIGNING HARDWARE AND SOFTWARE COMPONENTS THAT WERE NOT AVAILABLE OFF THE SHELF FOR USE FOR COMPRESSING AND TRANSMITTING DIGITAL COMPRESSED VIDEO AND AUDIO INFORMATION OR OF DIRECTING THEIR DESIGN AS DESCRIBED IN THE '702 PATENT?

A YES, I BELIEVE SO.

Q LET'S TALK ABOUT DESIGNING HARDWARE. WHAT, IF ANYTHING, WOULD THE HYPOTHETICAL PERSON OF ORDINARY SKILL IN THE ART IN 1991 NEED TO KNOW TO DESIGN A HARDWARE COMPONENT GENERALLY?

A REALLY THERE ARE THREE THINGS THAT YOU NEED TO KNOW ABOUT IN GENERAL TERMS ABOUT, ABOUT THE DEVICE THAT YOU WOULD HAVE TO DESIGN. YOU WOULD HAVE TO KNOW WHAT ITS INPUTS ARE; YOU HAVE TO KNOW WHAT ITS OUTPUTS NEED TO BE; AND YOU WOULD HAVE TO KNOW WHAT IT'S ACTUALLY DOING INSIDE BETWEEN THE INPUT AND THE OUTPUT.

Q AND IF ONE OF ORDINARY SKILL IN THE ART HAS THOSE THREE ITEMS OF INFORMATION, DO YOU HAVE AN OPINION AS TO WHETHER OR NOT THAT PERSON CAN, CAN CREATE OR DIRECT THE CREATION OF A COMPONENT NEEDED FOR A SYSTEM?

A THEY CAN.

Q SO I TAKE IT THAT THE FUNCTIONS, FOCUSSING ON